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Filing date: **10/10/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054573
Party	Plaintiff LayerZero Power Systems, Inc.
Correspondence Address	RAYMOND RUNDELLI CALFEE HALTER & GRISWOLD LLP 1405 EAST SIXTH STREET, THE CALFEE BUILDING CLEVELAND, OH 44114-1607 UNITED STATES rrundelli@calfee.com, jcastrovinci@calfee.com, ssmith@mccarter.com, jwhitney@mccarter.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Raymond Rundelli
Filer's e-mail	ipdocket@calfee.com, rrundelli@calfee.com, jwick@calfee.com
Signature	/Raymond Rundelli/
Date	10/10/2013
Attachments	02194078.PDF(71030 bytes ) 02194083.PDF(58050 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration Nos.: 3,998,542 and 3,998,543  
For the Marks: LAYER ZERO and LAYER 0  
Issued on: July 19, 2011

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***LAYERZERO POWER SYSTEMS, INC.,***

Petitioner,

v.

***ORTRONICS, INC.,***

Registrant.

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Cancellation No. 92054573

**PETITIONER'S FIRST NOTICE OF RELIANCE**

Pursuant to Trademark Rule 2.122 (e) and TBMP §704.07, Petitioner, LayerZero Power Systems, Inc. ("Petitioner" or "LayerZero"), by and through its attorneys, hereby gives notice that it will or may rely upon the following materials relevant to the issues in the above-captioned proceeding, copies of which are attached to this Notice.

1. A certified copy of the Articles of Incorporation for LayerZero Power Systems, Inc. is attached hereto as Exhibit A. The Articles of Incorporation relate to the formation of Petitioner as a business entity and Petitioner's use and priority of use of the trade names and marks on which the Cancellation claims are based.

Dated: October 10, 2013

Respectfully submitted,

s/Raymond Rundelli/

Raymond Rundelli (0030778)

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The Calfee Building

1405 East Sixth Street

Cleveland, Ohio 44114-1607

(216) 622-8200

FAX (216) 241-0816

Attorneys for Petitioner LayerZero Power Systems,  
Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 10, 2013, a copy of the foregoing was served on Registrant Ortronics, Inc. below via email to:

Mark D. Giarratana  
Shawn Smith  
McCarter & English LLP  
185 Asylum Street, Cityplace 1  
Hartford, CT 06103  
[mgiarratana@mccarter.com](mailto:mgiarratana@mccarter.com)  
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s/Raymond Rundelli/\_\_\_\_\_  
Raymond Rundelli  
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Cleveland, Ohio 44114-1607  
Phone: 216-622-8200  
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Attorneys for Petitioner

**EXHIBIT A**



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
04/05/2001	200109401262	DOMESTIC ARTICLES/FOR PROFIT (ARF)	85.00	10.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

CAVITCH, FAMILO, DURKIN & FRUTKIN  
ATTN: SHANNON L. MCEANENEY  
EAST OHIO BLDG.  
CLEVELAND, OH 44114

**STATE OF OHIO****Ohio Secretary of State, J. Kenneth Blackwell**

1220295

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**LAYERZERO POWER SYSTEMS, INC.**

and, that said business records show the filing and recording of:

Document(s)

**DOMESTIC ARTICLES/FOR PROFIT**

Document No(s):

**200109401262**

United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 3rd day of April, A.D.  
2001.

*J. Kenneth Blackwell*  
Ohio Secretary of State

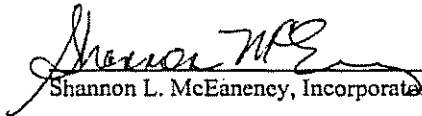
ARTICLES OF INCORPORATION  
OF  
LAYERZERO POWER SYSTEMS, INC.

The undersigned, desiring to form a corporation for profit under the General Corporation Law of Ohio, does hereby certify:

- FIRST: Layerzero Power Systems, Inc. is the name of the corporation.
- SECOND: The place in the State of Ohio where its principal office is located is the Village of Chagrin Falls, Geauga County.
- THIRD: The maximum number of shares which the corporation is authorized to have outstanding is eight hundred and fifty (850) shares, all of which shall be common shares without par value.
- FOURTH: The corporation, through its Board of Directors, shall have the right and power to repurchase any of its outstanding shares at such price and upon such terms as may be agreed upon between the corporation and the selling shareholder or shareholders.

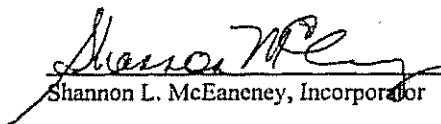
IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of April,

2001.

  
Shannon L. McEanency, Incorporator

ORIGINAL APPOINTMENT OF AGENT

The undersigned, being the incorporator of **LAYERZERO POWER SYSTEMS, INC.**, hereby appoints **SHANNON L. MCEANENEY**, a natural person resident in the state in which the corporation has its principal office, upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. Her complete address is c/o Cavitch, Familo, Durkin & Frutkin Co., L.P.A., 14th Floor, The East Ohio Bldg., 1717 East Ninth Street, Cleveland, Ohio, Cuyahoga County, 44114.

  
Shannon L. McEanene, Incorporator

ACCEPTANCE OF APPOINTMENT

The undersigned, **SHANNON L. MCEANENEY**, named herein as the statutory agent for **LAYERZERO POWER SYSTEMS, INC.**, hereby acknowledges and accepts the appointment of statutory agent for said corporation.

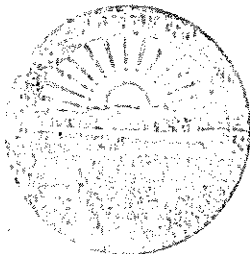
  
Shannon L. McEanene



#1220295

UNITED STATES OF AMERICA,  
STATE OF OHIO,  
OFFICE OF THE SECRETARY OF STATE

I, Jon Husted, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a true and correct copy, consisting of 3 pages, as taken from the original record now in my official custody as Secretary of State.



WITNESS my hand and official seal in  
Columbus, Ohio, this 21<sup>ST</sup> day of  
NOVEMBER A.D. 2012

*[Signature]*

JON HUSTED  
Secretary of State

By: llco

NOTICE: This is an official certification only when reproduced in red ink.